

**The Regular Meeting of the Board of Trustees was held on August 25, 2014 at the Village Hall, 34 School Street, Bayville, New York 11709 at 7:30 PM.**

Present were:	Trustee Fay	Village Clerk Treasurer
	Trustee Pinkerton	Maria Alfano-Hardy
	Trustee Russo	Secretary to Board
	Trustee Charon	Nikki Paris
	Trustee Taylor	Village Attorney
	Trustee Valsecchi	Keith Corbett
	Mayor Rupp	

For the record the Mayor made the following statement at the start of the meeting:

Good Evening. Welcome to tonight’s meeting. Before we start I would like to provide an update on issues that were presented to the Board at our last meeting.

As many you know, at last Month’s meeting there was public discussion concerning issues between residents of the community and commercial establishments within the Village. As your Mayor, and the duly elected leader of our community, I believe I have an obligation to assist residents to ensure the laws and ordinances of our Village are followed. Additionally, I believe as Mayor I have a responsibility to all residents to ensure that issues between various constituencies of the Village do not divide our community.

To this end, on August 21, 2014 I hosted a summit wherein residents who reside in properties near the Crescent Club, together with the Owner and Manager of the Crescent Club, could meet and engage in constructive dialogue to resolve any issues. I believe this was first time these parties had an opportunity to meet and discuss an amicable solution in a constructive format. I am happy to assist in bridging the divide between various constituencies in our community by providing a neutral forum for constructive dialogue to take place.

I am hopeful that said summit provides the catalyst necessary for an amicable resolution to any differences the parties may have and I welcome any input from our residents concerning these matters. I want to ensure all residents that it is NOT likely the Village Board is going to change any ordinances to appease big business at the expense of our homeowners.

I have an obligation and responsibility to help ensure that Bayville remains the wonderful Village we have all come to love. And I am confident this Board does not intend in any way to diminish the quality of life we have all come to expect from Bayville.

Also, I want the resident to know that the Deputy Mayor and I arranged a meeting with the ownership of Steve’s Pier. The purpose of said meeting was to obtain an update as to the status of the proposed project at the site location. Additionally, at said meeting we were advised that a fence was placed around the property to ensure the safety of our residents. It is our understanding that a more permanent fence will be placed around the property in the near future.

As many of you know, this property, along with other properties in the Village, have sat dormant for some time. I will continue to keep you apprised of these matters as we move forward.

Once again, I remain dedicated to ensuring the success of this Village for all of its residents.

Trustee Fay moved BE IT RESOLVED that the following warrants and claims have been audited by the Audit Commission and are hereby offered for approval by the Board of Trustees and BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized to make said payments.

FUND	CLAIM NO.	WARRANT	AMOUNT
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REGULAR MEETING AUGUST 25, 2014

<b>GENERAL</b>			
PAYROLL	7/23/2014	2I	\$ 29,780.66
	119	2J	\$ 2,270.90
	120/125	2K	\$ 1,094.76
PAYROLL	7/30/2014	2L	\$ 30,320.97
	126	2M	\$ 2,312.04
PAYROLL	8/6/2014	3A	\$ 28,693.77
	127	3B	\$ 2,187.99
PAYROLL	8/13/2014	3C	\$ 30,520.09
	128	3D	\$ 2,327.28
	129/197	3E	\$ 347,074.92
PAYROLL	8/20/2014	3F	\$ 27,955.85
	198	3G	\$ 2,131.65
<b>TOTAL GENERAL</b>			<b>\$ 506,670.88</b>
<b>WATER</b>			
PAYROLL	7/23/2014	2I	\$ 3,373.87
	31	2J	\$ 257.22
	32	2K	\$ 83.96
PAYROLL	7/30/2014	2L	\$ 3,256.46
	33	2M	\$ 248.28
PAYROLL	8/16/2014	3A	\$ 4,260.26
	34	3B	\$ 324.80
PAYROLL	8/13/2014	3C	\$ 3,927.09
	35	3D	\$ 299.41
	36/47	3E	\$ 69,677.71
PAYROLL	8/20/2014	3F	\$ 4,114.44
	48	3G	\$ 313.69
<b>TOTAL WATER</b>			<b>\$ 90,137.19</b>
<b>TRUST &amp; AGENCY</b>			
	39/42	2E	\$ 9,597.44
	43/48	2F	\$ 15,035.64
	49/52	3A	\$ 9,755.10
	53/57	3B	\$ 10,183.73
	58/59	3C	\$ 41,685.93
	60/63	3D	\$ 9,460.91
			.
<b>TOTAL T &amp; A</b>			<b>\$ 95,718.75</b>
<b>REVENUE ENTERPRISE</b>			
	13	2C	\$ 19.66
	14/21	3A	\$ 12,424.12
<b>TOTAL REVENUE ENTERPRISE</b>			<b>\$ 12,443.78</b>
CAPITAL	1	2A	\$ 1,127.00
	2/4	3A	\$ 2,873.22
<b>TOTAL CAPITAL</b>			<b>\$ 4,000.22</b>
<b>COMMUNITY DEVELOPMENT</b>			

TOTAL COMMTY DEVELOP			\$ -

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COMMUNITY DEVELOPMENT		
TOTAL COMMTY DEVELOP	\$	-
GRAND TOTAL	\$	708,970.82

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TOTAL CAPITAL			\$ 4,000.22
COMMUNITY DEVELOPMENT			
TOTAL COMMTY DEVELOP			\$ -

Seconded by: Trustee Pinkerton  
Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-118**

Trustee Fay moved BE IT RESOLVED to approve the budget transfers as presented and authorize the Village Clerk Treasurer to make said transfers.  
Seconded by: Trustee Russo  
Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

CODE	DESCRIPTION	AMOUNT	CODE	DESCRIPTION	AMOUNT
A.1990.400	CONTINGENT ACCT	\$100,000.00	A.9950.900	TRANS TO CAP PROJ FUND	\$100,000.00
EXPLANATION: TO TRANSFER					
APPROPRIATION FROM CONTINGENCY TO					
CAPTIAL PROJECTS FOR CREEK ROAD					
EROSION CONTROL/RETAINING WALL/					
ROAD REPAIR.					
A.0.5990	APPROPRIATED FUND BAL	\$85,000.00	A.9710.600	DEBT SERVICES - BOND PRINCIPAL	\$85,000.00
EXPLANATION: TO USE FUND BALANCE TO					
PAY OFF 1999 BOND PRIN PURSUANT TO					
VCAP.					

**RESOLUTION 2014-119**

Trustee Taylor moved BE IT RESOLVED to accept the prior meeting’s minutes as presented.  
Seconded by: Trustee Valsecchi  
Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-120**

Trustee Fay moved BE IT RESOLVED to accept the resignation of Chris Montell from the Highway Department effective August 25, 2014.  
Seconded by: Trustee Charon  
Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-121**

Trustee Russo moved BE IT RESOLVED to accept the resignation of Taylor Lewis from the Highway Department effective August 21, 2014.  
Seconded by: Trustee Charon  
Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-122**

Trustee Taylor moved BE IT RESOLVED to accept the resignation of Sarah Jansen from the Bayville Environmental Conservation Commission.  
Seconded by: Trustee Fay

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-123**

Trustee Fay moved BE IT RESOLVED to appoint the following:

To re-appoint Scott Lee and Joe Madsen as members of the Cemetery Board for a one year term to expire the first Monday in July 2015.

To re-appoint Bob Bressingham as an Ad-Hoc member of the Zoning Board of Appeals for a one year term to expire the first Monday in July 2015.

To appoint Joanna Dinolfo and Ken Lynk as members of the Bayville Environmental Conservation Commission for a one year term to expire the first Monday in July 2015.

Seconded by: Trustee Charon

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-124**

Trustee Charon moved BE IT RESOLVED to hire the following:

**LIFEGUARD**

Tyler Liantonio – 1<sup>st</sup> year - \$10.00 hourly nunc pro tunc effective August 15, 2014

Seconded by: Trustee Taylor

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-125**

Trustee Fay moved BE IT RESOLVED to hire Alexander Serio, John Wright and Joseph Pandolfi to the Highway Department as laborers for an annual salary of \$27,648.11.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, nay, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-126**

Trustee Charon moved BE IT RESOLVED to approve the July 10, 2014 request of St. Gertrude's R.C. Church to use West Harbor Beach for their Family Picnic on Sunday, September 28, 2014.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-127**

Trustee Pinkerton moved BE IT RESOLVED to approve the August 14, 2014 request of the Mill River Road & Gun Club Inc. to use the dock at West Harbor Beach for the annual James Carroll Snapper Derby on September 6, 2014 from 10:00AM to 12:00PM.

Seconded by: Trustee Fay

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-128**

Trustee Charon moved BE IT RESOLVED to approve the request of the Matthew Fetzer Foundation to use the facilities at West Harbor Beach on Saturday, November 15, 2014 to hold the Matthew Fetzer Turkey Trot/Chicken Run and Bone Marrow Drive.

Seconded by: Trustee Taylor

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-129**

Trustee Fay moved BE IT RESOLVED to approve the change order dated August 20, 2014 from Rio Supply Inc. of New York for an additional \$10,400.00 to cover the cost of labor and materials necessary in order to drill 1 ¾" holes in all existing outside meter pit lids (estimated at 800) that currently do not have holes, for purposes of installing through-the-pit-lid antennas.

Seconded by: Trustee Valsecchi

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, nay, Trustee Taylor, nay, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-130**

Trustee Russo moved BE IT RESOLVED that

WHEREAS, the Village of Bayville, Nassau County, New York (the "Village") issued \$3,010,000 Public Improvement (Serial) Bonds, 1999 on November 10, 1999 (the "Bonds");

WHEREAS, the Bonds refinanced notes which were issued to finance a marina and certain lands and a building in the Village (the "Project");

WHEREAS, the Village leased a portion of the Project to nongovernmental entities;

WHEREAS, the use of the Project under said leases appeared to be inconsistent with certain restrictions applicable to the proceeds of the Bonds under federal tax law;

WHEREAS, as a result, the refunding of a portion of the Bonds was not feasible;

WHEREAS, the Village, after consultation with bond counsel, determined that it would be advantageous to negotiate a closing agreement with the Commissioner of Internal Revenue of the United States (the "Agreement"), so as to facilitate the eventual issuance of refunding bonds of the Village;

WHEREAS, such Agreement has been negotiated and will require the payment of approximately \$3,177.00 to the United States Treasury and the redemption of a portion of the Bonds with Village monies not obtained through tax exempt borrowing;

NOW, THEREFORE, BE IT

RESOLVED, by the Board of Trustees of the Village of Bayville, Nassau County, New York, as follows:

Section 1. The Agreement, in substantially the form attached hereto, with such changes as shall be acceptable to the Village Treasurer, is hereby authorized.

Section 2. The redemption of a portion of the Bonds in the amount required by the Agreement is hereby authorized and the Village Treasurer is hereby authorized to take all such actions reasonably required to effect such redemption.

Section 3. The payment of the costs of the Agreement, including the payment of the required sum to the United States Treasury, the reasonable fees and expenses of bond counsel and any other ancillary expenses is hereby authorized.

Section 4. This resolution is effective immediately.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-131**

The following individuals addressed the Board:

Kevin Murtha – 20 Greenwich Avenue  
Rory Cohen – 10 Sound Beach Avenue  
Charles Scalfonas – 25 Mountain Avenue  
Joe Gleicher – 10 Tradewinds Drive

**PUBLIC HEARING  
7:45PM  
15TH STREET ROAD REPAIR**

Nick Campagnola and Christine Mehilentze represented the residents of 15th Street at the second hearing. 19 houses would be paying for the repairs. Three proposals were obtained and the bidder who will be performing the repairs is John McGowan & Sons. The total cost of the job would be \$28,000.00 for a cost per home of \$1473.68. A list of recalcitrant homeowner's was provided and the assessment includes a 3% interest fee.

The following individuals addressed the Board:

Michelle Principe – 34 Hickory Road

Trustee Fay moved BE IT RESOLVED to close the Public Hearing at 8:33PM.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-132**

Trustee Fay moved BE IT RESOLVED to assess the following 6 homes for road repairs on Fifteenth Street \$1517.90 per home on the June 2015-2016 tax bill:

9 Fifteenth Street	Kavoussi	28-26-232
10 Fifteenth Street	Mimmo	28-25-230
18 Fifteenth Street	Krauter	28-25-223
23 Fifteenth Street	Kennedy	28-27-266
3 Second Avenue	Ferrigno	28-26-263
308 Bayville Avenue	Careccia	28-22-82

Seconded by: Trustee Russo

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-133**

Trustee Russo moved to adjourn to go into Executive Session to discuss collective negotiations pursuant to article fourteen of the civil service law; proposed, pending and current litigation, and personnel matters with the intent to protect the privacy of a particular person or persons. More specifically, this executive session is necessary for the Board to discuss, with counsel, the collective negotiations for the CSEA Village of Bayville Unit Contract, as well as current and pending litigation in the matters known as New York Liens – v.- 611 MNR Corp., et. al. Supreme Court, Nassau County Index No.: 2746-14 and 611 MNR Corp., v. Buona Fortuna, LLC, et. al. Supreme Court, Nassau County Index No.: 14-288 .

Seconded by: Trustee Fay



Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Mayor Rupp, aye

**RESOLUTION 2014-134**

Trustee Fay moved BE IT RESOLVED to close Executive Session at 10:15PM

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Russo, aye, Trustee Charon, aye, Trustee Taylor, aye, Mayor Rupp, aye

**RESOLUTION 2014-135**

Respectfully submitted,

Maria Alfano-Hardy  
**Village Clerk Treasurer**